

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Sections 309(j) and 337 of the)	WT Docket No. 99-87
Communications Acts of 1934, as Amended)	
)	
)	

REQUEST FOR WAIVER AND EXTENSION

Dixie County, Florida (“Dixie County” or “County”), by its attorneys and pursuant to Sections 1.3 and 1.925 of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”)¹ and the Commission’s *Narrowbanding Extension Public Notice*,² hereby requests a waiver of Section 90.209(b) of the Commission’s rules, which requires land mobile radio licensees in the 150-174 MHz and 450-512 MHz (VHF/UHF) bands to convert and migrate current systems to technology utilizing channel bandwidths of no more than 12.5 kHz or equivalent efficiency (“narrowband”) by January 1, 2013.³ Specifically, Dixie County requests that the Commission waive Section 90.209(b) of its rules to provide a limited extension of the

¹ 47 C.F.R. §§ 1.3 and 1.925.

² *Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, And Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters*, Public Notice, DA 11-1189 (July 13, 2011) (“*Narrowbanding Extension Public Notice*”); *see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline*, Public Notice, DA 12-246 (rel. Feb. 1, 2012).

³ *See Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as Amended*, Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 3034 (2003); *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order, 19 FCC Rcd 25045 (2004); *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Order, 25 FCC Rcd 8861 (2010); *see also* 47 C.F.R. § 90.209(b).

narrowband migration deadline for each of the County's Public Safety Pool licenses (the "Licenses")⁴ until eighteen (18) months from the current deadline. As explained in greater detail herein, Dixie County is in the process of converting current system, which is nearly twenty years old and outdated, to state-of-the-art narrowband technology. Unfortunately, circumstances beyond Dixie County's control will preclude full migration of the Licenses to narrowband technology by the January 1, 2013 deadline. Additionally, grant of the requested waiver and extension of time will serve the public interest by preventing dangerous disruptions to critical public safety communications, which provide vital law enforcement, medical, transit, and public safety management services to citizens throughout Dixie County.

I. Background

Dixie County is a rural county located in the northern Gulf Coast region of Florida. The County covers approximately 714 square miles and has a population of 16,422 residents.⁵ The County's rural location and proximity to the Gulf of Mexico make emergency preparedness and public safety communications a top priority for the County. The Licenses are currently utilized to maintain critical communications among many local law enforcement, medical, transit, and public safety entities, including Dixie County's Emergency Medical Services, Emergency Management, Sheriff's Office, Road Department, Public Works, School District, and fire departments within the County. A few examples of the ways in which the Licenses are being used include radio communications for: advanced life support transport vehicles during emergency and non-emergency activities; all county and city fire departments initial incident dispatching and emergency scene communications; coordination and response during disaster activities; coordination of evacuations of special needs patients; law enforcement officer coordination inside

⁴ Call Signs KKC960, WNRT539, WQFH883, WNJM523, WPGP534 and WNUE989.

⁵ U.S. CENSUS BUREAU (2010).

the Dixie County Jail; daily school bus transportation coordination; and school resource officer coordination within Dixie County public schools. Although the County has been looking to upgrade land mobile radio system since 2008, and has been diligently working with potential vendors to design and deploy a narrowband system for the since 2009, Dixie County has experienced a plethora of unanticipated delays developing a viable narrowbanding solution, as well as delays trying to work with vendors overloaded with other government entities narrowbanding waiver requests.

In September of 2009, Dixie County entered into discussions with Taylor County, a neighboring Florida county, to evaluate the possibility of both counties simultaneously migrating from their current, separate, UHF/VHF radio systems to Florida's State Law Enforcement Radio System ("SLERS").⁶ After many months of delays and numerous meetings, the County ultimately came to the conclusion that, due to the high initial cost of such a system, monthly per radio fees, and the limited coverage provided by the system, the SLERS was not a viable option for Dixie County.

In July of 2010, Dixie began discussions with radio consultants from Communications Associates, Inc. ("Team CIA") to consider a regional approach with multiple jurisdictions going to the same system. Unfortunately, once again after months of waiting and several meetings, it became clear that this route was not a viable option for Dixie County. Dixie County began working with the vendor Basic Two-Way Radio in September of 2011. This vendor proposed a

⁶ Florida's 800 MHz State Law Enforcement Radio System is a program intended to develop a single, unified radio network that meets the radio voice communications needs of state law enforcement officers and other participating agencies throughout the state. *See State Law Enforcement Radio*, Department of Management Services, State of Florida, *available online at*: http://www.dms.myflorida.com/suncom/public_safety_bureau/radio_communications/state_law_enforcement_radio.

digital system that was promised to provide countywide coverage. After allowing Basic Two-Way Radio to put in place a trial system, however, the County soon realized that this system only provided very limited coverage at best.

In February of 2012, the County began discussions with yet another potential vendor, Williams Communications, to develop a narrowband UHF/VHF system. After months of discussion, multiple meetings, and protracted delays, representatives from Williams Communications finally presented Dixie County with a proposal for narrowbanding migration. The delay, according to Williams Communications, was due to a shortage of engineers on staff who were working with a high volume of other clients also seeking narrowbanding migration. This proposal called for the deployment a five-site simulcast VHF/UHF solution that would use of some of Dixie County's existing outdated equipment. Several issues with this proposed system, particularly the fact it would not allow for the future 6.25 MHz migration and a cost outside of the County's budget, led to the County's conclusion that the Williams Communications proposal was not a viable option for Dixie County.

Finally, in June of 2012, Dixie County learned that other counties in Florida had entered into contracts with ICOM America, Inc. ("ICOM") to design and install narrowband communication systems. After several immediate meetings with ICOM representatives and based on ICOM's work for other counties, Dixie County engaged ICOM to design its system as well.

In conjunction with the aforementioned delays, the comprehensive overhaul required to deploy a system that satisfies the Commission's narrowbanding requirements, necessitates this limited request for additional time.

II. Grant of the Requested Limited Waiver and Extension is Warranted Pursuant to the FCC's Rules.

Pursuant to Section 1.3 of the FCC's rules, the Commission may waive any provision of its rules if good cause is shown.⁷ As explained in greater detail below, Dixie County has been diligently working since 2008 to meet the January 1, 2013 migration deadline. Unfortunately, the County will not be able to meet the deadline due to delays resulting from unforeseen complexities associated with finding a vendor capable, and the complete overhaul required for its aging wideband system in order to improve coverage and reliability and thereby to provide greater public safety.

The County is pursuing an aggressive deployment schedule and expects to complete narrowbanding of its system by the July 2013, if not sooner. A waiver and limited extension of the deadline is necessary, however, in order to prevent dangerous disruptions to critical public safety communications during the deployment process. Good cause thus exists for a grant of the requested extension to allow the County a reasonable amount of time to complete its ongoing narrowbanding migration.

The County's request for limited waiver and an extension of the narrowbanding migration deadline also satisfies the Commission's general standards for determining when a waiver should be granted in a Wireless Telecommunications Bureau proceeding.⁸ Pursuant to Section 1.925(b)(3) of the Commission's rules, a request for waiver may be granted if it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or

⁷ See 47 C.F.R. § 1.3.

⁸ See 47 C.F.R. § 1.925(b)(3).

- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.

In the *Narrowbanding Extension Public Notice*, the Commission identified specific factors that it considers relevant in assessing whether a request for waiver of the narrowbanding deadline satisfies the Commission's standard under Section 1.925. These factors include: (1) the steps that have been taken to plan for, initiate, and complete the narrowband transition; (2) the system size and complexity; (3) whether equipment must be replaced or upgraded; (4) whether, in addition to narrowbanding, the licensee plans additional system upgrades or improvements; (5) whether the licensee has funding sources; (6) whether the licensee's narrowbanding schedule is affected by relationships with neighboring systems due to interoperability; (7) plans to minimize the impact of extended wideband operations on co-channel and adjacent channel operations; and (8) whether the licensee will relinquish the VHF/UHF spectrum. As explained below, based on these factors, approval of Dixie County's request for limited extension is warranted.

A. Steps already taken to plan for, initiate, and complete the transition to narrowband operations

The County has worked diligently on the narrowbanding of its system for many years. Specifically, the County, has already completed the following steps:

- Designated responsibility for developing and implementing the County's narrowbanding transition plan to a Communications Committee (the "Committee"), which is comprised of representatives from the Dixie County Department of Public Safety, local law enforcement agencies, the Dixie County School Board, and the Dixie County Manager;
- The Committee has projected a budget for completion of the narrowbanding project;
- The Dixie County Board of County Commissioners has approved the requested funding for the narrowband project;

- The Committee selected the vendor ICOM to help develop a system that meets the County's needs;
- ICOM is in the process of completing a Statement of Work to identify all system components and subscriber radios needed, working within the approved budget. ICOM is also working on a number of other narrowbanding contracts,
- After researching and considering a number of design options, the Committee selected a design for a four site, 6.25 kHz digital NXDN VHF/UHF system;
- The Committee and ICOM have researched new equipment options and selected specific equipment;
- The Committee selected four tower sites for the new public safety communications system. These sites include two County-owned sites, one site that is currently under contract, and one state-owned SLERS tower on Dixie County property;
- Completed propagation studies to insure adequate coverage on all four sites. These studies used antennas heights that have been approved by all of the tower owners;
- Based on the selected repeater sites, available VHF/UHF frequency pairs have been identified and work on applications to obtain authorizations of these VHF/UHF frequencies has begun.

B. System size and complexity.

The Licenses presently operate on a single site VHF/UHF multicast wideband system, which provides limited mobile coverage throughout Dixie County. Although the current system is not complex, it is aging and does not provide adequate communications. The current system uses six repeaters located at a central tower site in Dixie County. The VHF/UHF link radios used in the current system are problematic as they are prone to interference. The antenna system, cabling system, and most equipment are over twenty years old. Accordingly, although the Dixie County system is not large or particularly complex, the County has determined it must be replaced almost in its entirety.

C. Narrowband Capability of the System

Although system equipment already owned by the County is narrowband capable, this equipment would only be able to operate on 12.5 kHz of channel bandwidth and not at 6.25 kHz

bandwidth. Since the county is deploying an ultra-efficient system designed to operate at 6.25 kHz, all of Dixie County's existing equipment must be replaced.

D. Planned System Upgrades.

Dixie County plans to make significant improvements to the current system that go beyond the changes required by the Commission for narrowband migration. The County will be installing a four site, 6.25 kHz digital NXDN VHF/UHF system with a microwave backhaul system. Three new sites are being added to the system in order to increase coverage and improve reliability.

E. Sources of funding and budget approval process.

The narrowband project will receive funding from the following sources: 1) fire assessment, 2) EMS assessment, 3) law enforcement, 4) municipalities, and 5) general Dixie County funds. The budget approval process involves making a presentation and obtaining approval from The Dixie Board of County Commissioners. The budget for the narrowbanding migration project has been approved.

F. Whether the licensee's narrowbanding schedule is impacted by neighboring systems due to interoperability relationships or other interdependencies.

The County's narrowbanding migration schedule is not affected by neighboring systems.

G. Plans to minimize the negative impact of extended wideband operations on co-channel and adjacent channel operations.

If this request for limited extensions is approved by the Commission, Dixie County plans to minimize the negative impact of wideband operations on co-channel and adjacent channel operations by restricting use of its current system to two-tone paging and limited voice transmissions, which will significantly reduce the level of wideband radio traffic and decrease the risk of harmful interference. Dixie County also plans to reduce the power level for certain public works equipment.

H. Plans to migrate to a non-VHF/UHF band and relinquishment of VHF/UHF Spectrum

This factor is not applicable to Dixie County, as it does not plan to migrate to a non-VHF/UHF band.

A waiver and limited extension is warranted in this case because strict enforcement of the narrowbanding deadline would not serve the underlying purpose of Section 90.209(b). The County is working to deploy a spectrally efficient 6.25 kHz, countywide interoperable system. Allowing the County a brief extension of time in which to deploy this system, will further the purpose of the rule of by enabling the County to deploy spectrally efficient equipment without disruption of critical public safety communications.

Grant of the requested waiver would serve the public interest by supporting Dixie County's good faith efforts to expeditiously complete deployment of an improved, countywide interoperable, narrowband communications system. Most importantly, grant of the waiver will serve the public interest by preventing dangerous disruptions to public safety communications. Furthermore, approval of this request is appropriate because the County does not have an interoperability relationship or interdependency with any neighboring systems, and will not negatively impact any co-channel or adjacent channel operations.

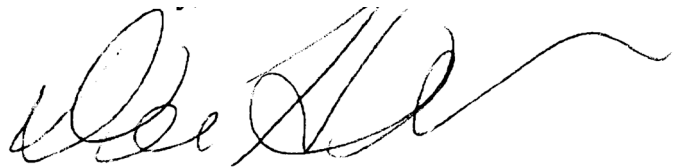
Grant of the requested relief also is warranted because, based on the facts of this case, Dixie County has no reasonable alternative. Absent a waiver, Dixie County will face a dramatic disruption of critical County public safety, public works, and transportation communications. Such disruption would not serve the public interest.

III. Conclusion

For the reasons set-forth above, Commission approval of the requested waiver is warranted. The County has been diligently working to convert its communications system to

advanced narrowband technology. Despite the County's good-faith efforts, however, unforeseen delays associated with the complete overhaul of the aging wideband system will preclude full migration of the Licenses to narrowband technology by the January 1, 2013 deadline. Grant of the requested waiver and extension of time will serve the public interest by preventing disruption to critical communications among the many local law enforcement, medical, transit, and public safety entities working to protect the lives and property of residents throughout Dixie County during the limited extension period. Accordingly, Dixie County respectfully requests that the Commission grant the requested waiver and an extension of the Section 90.209(b) narrowband migration deadline until July 1, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donald L. Herman, Jr.', written over a horizontal line.

Donald L. Herman, Jr.
Susan C. Goldhar Ornstein
Herman & Whiteaker, LLC
3204 Tower Oaks Blvd.
Suite 180
Rockville, MD 20852

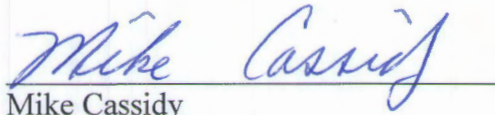
Its attorneys

Dated: December 17, 2012

DECLARATION OF MIKE CASSIDY

I, Mike Cassidy, do hereby declare under penalty of perjury that the foregoing is true and correct:

1. I am the County Manager for Dixie County, Florida.
2. I have read the forgoing "Request for Waiver and Extension." I have personal knowledge of the facts set forth therein, and I believe them to be true and correct.



Mike Cassidy
County Manager,
Dixie County, Florida

Dated: December 17th, 2012